

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1, 2, 4-8, 10-20, and 22-33 will be pending. By this amendment, claims 3, 9, and 21 have been canceled; and claims 1, 4, 5, 7, 8, 19, 29, and 33 have been amended. No new matter has been added.

§103 Rejection of Claims 1-6, 9-11, 16, 19-22, 24, 29-31, and 33

In Section 2 of the Office Action of November 21, 2006 (hereinafter referred to as “the Office Action”), claims 1-6, 9-11, 16, 19-22, 24, 29-31, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kotzin (U.S. Patent Publication No. 2004/0204076) in view of Bahl *et al.* (U.S. Patent Publication No. 2004/0204071; hereinafter referred to as “Bahl”).

In the Background section of the Specification, it is stated:

When a user of such a multiple interface device wants to communicate with a user of another device, the user typically manually determines what common interface is available, such as by directly talking with the second user. After determining the common interface, the users typically manually configure the devices to establish a connection for communication. To change or end the connection, the users again manually adjust the configuration of the devices. While the users have been able to establish communication, for some users the manual configuration and control may prove difficult.

Background of the Specification, Page 1, lines 12-22.

Therefore, the Background highlights the need to automatically detect and determine a connection for communication.

To achieve the above-stated objective, embodiments of the present invention provide device, method, system, and computer program residing on a tangible storage medium, for

interface negotiation. For example, the wireless device for interface negotiation, as recited in claim 1, includes:

a wireless interface supporting communication across a wireless connection;

a controller connected to said wireless interface supporting a negotiation service and a communication service;

wherein said negotiation service provides interface negotiation for using said wireless interface to negotiate with another device to select a first communication interface for communication of data with said another device,

wherein said negotiation service negotiates to select an appropriate communication interface for communication of said data with said another device,

wherein said first communication interface is a separate interface from said wireless interface used for interface negotiation, and

wherein said communication service provides control and management of communication with said another device across a connection established using said negotiation service; and

a second communication interface,

wherein a first connection opened using said negotiation service and said wireless interface is kept open while a second connection opened using said communication service and said second communication interface is open.

(emphasis added)

Accordingly, in one aspect of claim 1, the wireless device for interface negotiation includes a second communication interface, wherein a first connection opened using said negotiation service and said wireless interface is kept open while a second connection opened using said communication service and said second communication interface is open.

In one implementation, described in the Specification, “the two devices keep the negotiation connection open during communication across the communication connection and use information on the negotiation connection to determine when to close the communication connection.” *Specification, paragraph [0025]*. For example, “[h]aving found the second device, the first device establishes a negotiation connection with the second device using the default interface, block 310. The two devices use the negotiation connection to investigate information and capabilities of the other device. The two devices can also use the negotiation connection as a control channel while other connections are opened.” *Specification, paragraph [0021]* (emphasis added). Thus, the Specification describes keeping the first connection open while the second connection is open.

By contrast, Bahl states “where a wireless protocol different than that utilized in the establishment of the control channel is used for the wireless data session, the system of the present invention idles the communications circuitry associated with that control channel protocol to conserve energy in the wireless device. The system then periodically activates this circuitry to allow for the passing of any additional control messages on this control channel.” *Bahl, paragraph [0014]* (emphasis added). Thus, Bahl clearly teaches away from keeping the first connection open while the second connection is open. Further, the Office Action states “Kotzin fails to specifically teach communication of data and separate interface. Accordingly, Kotzin and Bahl, individually or in combination, fail to disclose all limitations of claim 1 including a second communication interface, wherein a first connection opened using said negotiation service and said wireless interface is kept open while a second connection opened using said communication service and said second communication interface is open.

Based on the foregoing discussion, claim 1 should be allowable over Kotzin and Bahl.

Other independent claims 19, 29, and 33 include similar limitations of having the negotiation connection open while the communication connection is also open. Therefore, claims 19, 29, and 33 should also be allowable over Kotzin and Bahl. Since claims 2, 4-6, 10-11, 16, 19-20, 22, 24, 29-31, and 33 depend from one of claims 1, 19, and 29, claims 2, 4-6, 10-11, 16, 19-20, 22, 24, 29-31, and 33 should also be allowable over Kotzin and Bahl. Claims 3, 9, and 21 have been canceled.

Accordingly, it is submitted that the rejection of claims 1-6, 9-11, 16, 19-22, 24, 29-31, and 33 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 7

In Section 3 of the Office Action, claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kotzin in view of Bahl and further in view of Janik. (U.S. Patent Publication No. 2004/0253945).

Based on the foregoing discussion regarding independent claim 1, and since claim 7 depends from claim 1, claim 7 should be allowable over Kotzin and Bahl. Further, Janik is merely cited for teaching that “the second communication interface (LAN) provides a higher data rate than the wireless interface (WAN)”. *Section 3, page 9 of the Office Action*. Therefore, Kotzin, Bahl, and Janik, individually or in combination, fail to teach or suggest all limitations of claim 7.

Accordingly, it is submitted that the rejection of claim 7 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 8

In Section 4 of the Office Action, claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kotzin in view of Bahl, and further in view of Moon *et al.* (U.S. Patent Publication No. 2005/0076054; hereinafter referred to as “Moon”).

Based on the foregoing discussion regarding independent claim 1, and since claim 8 depends from claim 1, claim 8 should be allowable over Kotzin and Bahl. Further, Moon is merely cited for teaching that “a second communication interface uses more power than a wireless interface”. *Section 4, page 10 of the Office Action.* Therefore, Kotzin, Bahl, and Moon, individually or in combination, fail to teach or suggest all limitations of claim 8.

Accordingly, it is submitted that the rejection of claim 8 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 12, 14-15, 17-18, 25, 27-28 and 32

In Section 5 of the Office Action, claims 12, 14-15, 17-18, 25, 27-28 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kotzin in view of Bahl, and further in view of Shah *et al.* (U.S. Patent Publication No. 2004/0023652; hereinafter referred to as “Shah”).

Based on the foregoing discussion regarding independent claims 1, 19, and 29, and since claims 12, 14-15, 17-18, 25, 27-28, and 32 depend from one of claims 1, 19, and 29, claims 12, 14-15, 17-18, 25, 27-28, and 32 should be allowable over Kotzin and Bahl. Further, Shah is merely cited for teaching that “the negotiation service selects a communication interface without user input”. *Section 5, page 10 of the Office Action.* Therefore, Kotzin, Bahl, and Shah, individually or in combination, fail to teach or suggest all limitations of claims 12, 14-15, 17-18,

25, 27-28, and 32.

Accordingly, it is submitted that the rejection of claims 12, 14-15, 17-18, 25, 27-28 and 32 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 23

In Section 6 of the Office Action, claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kotzin in view of Bahl, and further in view of Carlton *et al.* (U.S. Patent Publication No. 2005/0141450; hereinafter referred to as “Carlton”) and in further view of Moon.

Based on the foregoing discussion regarding independent claim 19, and since claim 23 depends from claim 19, claim 23 should be allowable over Kotzin, Bahl, and Moon. Further, Carlton is merely cited for teaching “a communication criteria that includes data rate”. *Section 6, page 14 of the Office Action*. Therefore, Kotzin, Bahl, Moon, and Carlton, individually or in combination, fail to teach or suggest all limitations of claim 23.

Accordingly, it is submitted that the rejection of claim 23 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 26

In Section 7 of the Office Action, claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kotzin in view of Bahl, and further in view of Ahonen *et al.* (U.S. Patent Publication No. 2005/0085188; hereinafter referred to as “Ahonen”).

Based on the foregoing discussion regarding independent claim 19, and since claim 26

depends from claim 19, claim 19 should be allowable over Kotzin and Bahl. Further, Ahonen is merely cited for teaching that “the communication mode indicates a type of encryption to use for the communication connection”. *Section 7, page 15 of the Office Action*. Therefore, Kotzin, Bahl, and Ahonen, individually or in combination, fail to teach or suggest all limitations of claim 26.

Accordingly, it is submitted that the rejection of claim 26 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

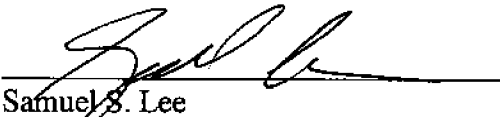
Conclusion

In view of the foregoing, applicants respectfully request reconsideration of claims 1, 2, 4-8, 10-20, and 22-33 in view of the remarks and submit that all pending claims are presently in condition for allowance.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,
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